

Exhibit K

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Alcatel-Lucent USA Inc., Ciena Corporation, Coriant (USA) Inc., Coriant North
America, LLC, Coriant Operations, Inc., Infinera Corporation, and
Fujitsu Network Communications, Inc.
Petitioners

v.

OYSTER OPTICS, LLC.
Patent Owner

Patent No. 7,620,327

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 7,620,327**

Petition for *Inter Partes* Review
Patent No. 7,620,327

connected electrically to the photodetector.” Claims 37-39 depend from claim 36. All of these features were well-known in the prior art at the time of the alleged invention. *See e.g.*, Ex.1302, ¶¶21-263 (citing Exs. 1304, 1306-1323).

The ’327 patent issued from the ’643 application filed July 3, 2002. Ex.1301, Cover. The ’643 application claims the benefit of the ’932 provisional filed on July 9, 2001.

B. Corke discloses an optical transceiver device that includes transmitters, receivers and an energy detector circuit for measuring optical energy

Corke describes an optical device that positions signal transmitters and receivers on the same device. *See, e.g.*, Ex.1306, 1:36-58, 8:3-10, 7:56-67, 5:44-54, 5:61-6:21, FIGS. 1-4. Like the ’327 patent, Corke’s optical device includes energy level detector circuitry (“detector circuit”) with optical detectors that measure power of received optical signals, and a control circuit that compares the measured energy to multiple threshold values to determine whether the received signal intensity is within an acceptable range. *See id.*, 2:19-23, 2:46-48, 6:14-7:55, FIGS. 2, 4 (reproduced below).

Petition for *Inter Partes* Review
Patent No. 7,620,327

f) [1e] “an energy level detector optically connected between the receiver and the fiber input to measure an energy level of the optical signals, wherein the energy level detector includes a plurality of thresholds.”

[14e] “an energy level detector optically connected between the receiver and the fiber input to measure an energy level of the optical signals, the energy level detector including a threshold indicating a drop in amplitude of a phase-modulated signal.”

[25e] “an energy level detector to measure an energy level of the optical signals, the energy level detector including a threshold indicating a drop in amplitude of a phase-modulated signal.”

[36e] “a splitter to split at least a portion of the optical signals to form a split optical signal,”

[36f] “a photodetector to measure the split optical signal, the photodetector outputting an electric voltage to correlating to an optical power of the split optical signal, and”

[36g] “a detector controller connected electrically to the photodetector.”

[1e]: As shown in FIG. 4 (reproduced below), Corke teaches that the optical device includes an energy level detector circuit, comprising optical detectors 15 and a control circuit 10, which are used to detect the power (also referred to in Corke as intensity) of received optical signals. Ex.1306, 2:19-20, 2:46-48, 6:14-26. *See also* §VII.B and Ex.1302, ¶¶149-153. Corke describes that a port having tap coupler 13 connects the receivers Rx 27 to the primary optical fiber (and similarly

Petition for *Inter Partes* Review
Patent No. 7,620,327

a second port connects the receivers to the secondary optical fiber). Tap couplers 13, positioned between the optical fiber inputs and the receivers, “continuously divert 10 percent of the incoming signals to the detectors 15 via the demultiplexers 14.” Ex.1306, 6:22-26, FIG. 4. The detector circuit is therefore optically connected between the receivers and the fiber inputs to the optical device. *See also* Ex.1302, ¶¶155-156.

In the corresponding litigation, the Patent Owner has argued that “‘the optical signals’ that are being measured in the claims are optical signals received at the transceiver card over the second optical fiber, ... not optical signal that were transmitted over the first optical fiber by the transmitter of the transceiver card.” Ex.1317, Document 151-2, p. 22. To the extent that the Patent Owner makes this argument in this proceeding, detectors 15 measure the power of received optical signals, which Corke interchangeably refers to as intensity. *See, e.g.*, Ex.1306, 6:30-62, 7:19-45, 8:31-50. Control unit 10 compares optical signal power measured by each detector 15 to “a pre-set level” (i.e., pre-set threshold value), “which is programmed into the control unit 10.” *Id.*, 6:34-61; Ex.1302, ¶¶150-151.

Petition for *Inter Partes* Review
Patent No. 7,620,327

XI. CONCLUSION

Petitioners request institution of *inter partes* review and cancellation of claims 1, 3-5, 9-12, 14, 16-18, 22, 23, 25, 27-29, 33-34 and 36-38 of the '327 patent.

Respectfully submitted,

Dated: November 30, 2017

By: /Matthew D. Satchwell/
Matthew D. Satchwell, Reg. No. 58,870
Counsel for Petitioner, Fujitsu Network
Communications, Inc.

Petition for *Inter Partes* Review
Patent No. 7,620,327

CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), the undersigned certifies that the foregoing Petition for *Inter Partes* Review of U.S. Patent No. 7,620,327 contains, as measured by the word processing system used to prepare this paper, 12,962 words. This word count does not include the items excluded by 37 C.F.R. § 42.24 as not counting towards the word limit.

Respectfully submitted,

Dated: November 30, 2017

By: /Matthew D. Satchwell/
Matthew D. Satchwell, Reg. No. 58,870
Counsel for Petitioner, Fujitsu Network
Communications, Inc.

Petition for *Inter Partes* Review
Patent No. 7,620,327

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2017, I caused a true and correct copy of the foregoing Petition for *Inter Partes* Review of U.S. Patent No. 7,620,327 and supporting exhibits to be served via express mail on the Patent Owner at the following correspondence address of record as listed on PAIR:

Jackson Walker L.L.P.
ATTN: Intellectual Property Department
100 Congress Avenue, Suite 1100
Austin TX 78701

A courtesy copy was also sent via electronic mail to Patent Owner's litigation counsel listed below:

Marc Fenster (mfenster@raklaw.com)
Reza Mirzaie (rmirzaie@raklaw.com)
Jeffrey Liao (jliao@raklaw.com)
Arka D. Chatterjee (achatterjee@raklaw.com)
RUSS AUGUST & KABAT
12424 Wilshire Boulevard 12th Floor
Los Angeles, California 90025

T. John Ward, Jr. (jw@wsfirm.com)
Claire Abernathy Henry (claire@wsfirm.com)
Andrea L. Fair (andrea@wsfirm.com)
WARD, SMITH & HILL, PLLC
P.O. Box 1231
Longview, Texas 75606-1231

Dated: November 30, 2017

By: Matthew D. Satchwell
Matthew D. Satchwell, Reg. No. 58,870
Counsel for Petitioner, Fujitsu Network
Communications, Inc.